

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 125.7, the Department of Public Health gives Notice of Intended Action to amend Chapter 157, “Standards for Substance Abuse Treatment and Assessment Programs and the Operating a Motor Vehicle While Intoxicated (OWI) Law,” Iowa Administrative Code.

The proposed amendment provides the Department the ability to ensure that, upon receipt of a properly executed written release of information signed by the client/patient, the program shall release client/patient records in a timely manner. A program may refuse to file the reporting form required by subrule 157.3(1), “Notice Iowa Code 321J—Confidential Medical Record,” reporting screening, evaluation, and treatment completion, if payment has not been received for such services.

Any interested person may make written comments on the proposed amendment on or before April 13, 2010, addressed to Bob Kerksieck, Division of Behavioral Health, Department of Public Health, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0075; E-mail rkerksie@idph.state.ia.us.

Also, a public hearing will be held on Tuesday, April 13, 2010, from 11 a.m. to 12 noon, in Room 518 of the Lucas State Office Building at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any person who plans to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should contact the Department to advise of specific needs.

This amendment is intended to implement Iowa Code chapter 125.

The following amendment is proposed.

Amend rule 641—157.7(125) as follows:

641—157.7(125) Records.

157.7(1) Programs shall maintain records for a minimum of seven years after discharge or completion of screening, evaluation, or treatment, and then destroy or maintain the records based on the program’s written policy and procedure.

157.7(2) Upon receipt of a properly executed written release of information signed by the client/patient, the program shall release client/patient records in a timely manner.

a. A program shall not refuse to transfer or release client/patient records related to continuation of care solely because payment has not been received.

b. A program may refuse to release client/patient records which are unrelated to continuation of care if payment has not been received.

c. A program may refuse to file the reporting form required by subrule 157.3(1), “Notice Iowa Code 321J—Confidential Medical Record,” reporting screening, evaluation, and treatment completion, if payment has not been received for such services.